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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,348	07/10/2001	Luis M. Ortiz	1000-1058	8886
64064	7590	10/15/2009		
ORTIZ & LOPEZ, PLLC P.O. BOX 4484 ALBUQUERQUE, NM 87196-4484			EXAMINER DIEP, NHON THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 10/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/902,348

Applicant(s)

ORTIZ ET AL.

Examiner

Nhon T. Diep

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-20, 35, 36, 41 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-20, 41 and 45-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1, 3-20, 41 and 45-49 in the reply filed on 7/6/2009 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6-10, 12-13, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, in view of Jain et al and Wecker et al (US 6,289,464 B1).

As for Claims 1, 3-4, 6-10, 12-13, 15 and 18-20, Anderson, Jr. et al. teach capturing video images from more than one perspective of a venue-based activity using more than one video cameras (Column 2, lines 26-28) and processing the video images into venue-based data formatted for wireless transmission via a wireless data networks for use by more than one hand held devices each having a display screen (Column 5, lines 22-38). Also shown is a user interface that allows the user to select the video and audio combination for display on the hand held device (Column 5, lines 38-46).
Anderson, Jr. et al. fail to teach:

a. a display screen adapted for simultaneously and singularly viewing more than one perspective of venue-based data captured by the more than one video camera; and

b. wirelessly transmitting said venue-based data to at least one hand held device located at said sports and entertainment venue over a local wireless network and wirelessly transmitting said venue-based data to at least one hand held device located outside of said sports and entertainment venue over a cellular communications network.

With regard to a: Jain et al. does (Column 33, lines 61-67). Since this is just having a display that is capable of displaying the multiple images simultaneously and singularly, it would have been obvious to one of ordinary skill to use the multiple cameras from different perspectives in order to display a plurality of different perspectives on one hand held device.

With regard to b: Wecker et al teaches "The wireless transport 14 can be a paging network, cellular digital packet data (CDPD), FM-sideband, or other suitable wireless communications. However, it should also be noted that the mobile device 10 may not be equipped to be connected to the desktop computer 12, and the present invention applies regardless of whether the mobile device 10 is provided with this capability. And, the wireless transport 14 is used to send information to the mobile device 10 for storage in the object store 18 and for use by the application programs 16. The wireless transport 14 receives the information to be sent from an information source provider 13, which, for example, can be a source of news, weather, sports, traffic or local event information. Likewise, the information source provider 13 can receive e-mail and/or scheduling information from the desktop computer 12 to be transmitted to the mobile device 10 through the wireless transport 14. The information from the desktop computer 12 can be supplied to the information source provider 13 through any suitable

communication link, such as a direct modem connection. In another embodiment, the desktop computer 12 and the information source provider 13 can be connected together forming a local area network (LAN) or a wide area network (WAN). Such networking environments are commonplace in offices, enterprise-wide computer network Intranets and the Internet. If desired, the desktop computer 12 can also be directly connected to the wireless transport 14". And, therefore, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in the respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art, and doing so would help to wirelessly transmit video signals to different places.

As for Claim 15, Anderson, Jr. et al. fail to teach an instant replay option for the users of his device, but Jain et al. does (Column 18, lines 61-65). Since the instant replay is a minor change in the options menu a user could have to view the information that has already taken place at a later time, it would be would obvious to one of ordinary skill to add the instant replay option to their display.

4. Claims 5, 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al and Wecker et al and in further view of Hendricks et al. (US 6,675,386).

As for Claim 5, Anderson, Jr. et al. and Jain et al. fail to teach a camera that takes wide-angle video data, but Hendricks et al. does (Column 11, lines 13-21).

Since the wide angle lens just gives you a wider viewing scene of an event it would have been obvious to one of ordinary skill to make at least one of their cameras at an event a wide angle camera in order to capture a wider viewing range.

The high-resolution part of the wide-angle video data would be a minor upgrade to the video camera and would only require one to spend the additional money for the high-resolution camera. Therefore it would be obvious to one of ordinary skill to have high-resolution wide-angle video data as opposed to just wide-angle video data. (Official Notice)

As for Claims 16-17, Anderson, Jr. et al. and Jain et al. fail to include advertisements and promotional information in his device, but Hendricks et al. does (Column 16, lines 37-43; see also Figure 12). Since one would be able to include advertisements and promotional information to viewers very easily if they were broadcasting their signal over a wireless communication network to many viewers it would be obvious to one of ordinary skill to add these advertisements or promotional information if one wanted to disrupt the broadcast of their event to advertise their product or anything else of the case.

As for Claim 14, the use of the portable device taught by Anderson, Jr. et al. is to be used while attending an event. Although Anderson, Jr. et al. and Jain et al. fail to specifically teach that the combined signal sent to the receiver is of real time data, Hendricks et al. does (Column 9, lines 24-30). Since a real time image would be necessary if you were attending the event of the video image you are receiving it would

have been obvious to one of ordinary skill to have the signal be real time data so that the user at the event can view the image as it is happening.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al and Wecker et al and in further view of Blanchard et al. (US 6,782,102).

Anderson, Jr. et al. and Jain et al. fail to teach a security system in his device to be used over the transmission of his signals that includes an encryption module that encrypts his data prior to transmission, but Blanchard et al. does (Column 2, lines 9-22). Blanchard et al. shows that it is common and well known to use the encryption algorithm. Since the encryption and security device are used to apply additional security so that it is more difficult for others to view the information you are transmitting. It would be obvious to one of ordinary skill to apply a security method that uses an encryption algorithm to secure the data being transmitted.

As for Claim 11, Anderson, Jr. et al. and Jain et al. fail to specifically teach where the display screen comprises a touch sensitive display operable by the user selection, but Blanchard et al. does (Column 2, lines 35-54). Since the touch screen is just a variation of how the user makes their selection of multiple views, it would have been obvious to one of ordinary skill to implement a touch screen for selection as opposed to touching the designated buttons that make the selection in the first place. The only difference is touching a button as opposed to the screen.

6. Claims 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al and Wecker et al, and in further view of Ausems et al. (US 6,434,403).

As for Claim 45, many of the limitations have been addressed in the above rejections. In addition, Anderson, Jr. et al. and Jain et al. fail to specifically teach that the hand held device may be a personal digital assistant or a wireless telephone. Since this is just the difference between being able to wirelessly transmit to the hand held device and being able to transmit to a personal digital assistant or a wireless telephone, which are both know to be able to receive transmission of video data, it would have been obvious to one of ordinary skill to use alternate hand held devices in the forms of a personal digital assistant or a wireless telephone in order to make more use of the wireless network being used at the venue-based entertainment.

As for Claims 46-48, all of the limitations have been addressed in the above rejections.

As for Claim 49, many of the limitations have been addressed in the above rejections. In addition, Anderson, Jr. et al. teach where the removable module further comprises a plurality of tuners, or modulators, integrated with the at least one hand held device (Column 4, lines 31-47; See also Figure 2).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ND

/Nhon T Diep/
Primary Examiner, Art Unit 2621